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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,743	03/21/2000	Steven Jeromy Carriere	QUAC0006	7120
22862 7590 12/02/2008 GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025				
EXAMINER SHAAWAT, MUSSA A				
ART UNIT 3627		PAPER NUMBER		
MAIL DATE 12/02/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/531,743

Applicant(s)

CARRIERE ET AL.

Examiner

MUSSA A. SHAAWAT

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-27, 31 and 32 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-30 and 33-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

Response to Amendment

1. This action is in response to amendment filed on 09/19/2008. Claims 1-27 and 31-32 have been previously withdrawn. Claims 28-30 and 33-35 are pending examination.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 28 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Independent claim 28 has been newly amended to recite "... unassisted by voice extensions and enhancements to said HTML", the applicant specification fails to provide support for this limitation. Furthermore, this appears to be a negative limitation used to overcome the prior art. Regarding negative limitations, MPEP states that: *"Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. ... **The mere absence of a positive recitation is not basis for an exclusion.** Any claim containing a negative limitation, which does not have basis in the original disclosure, should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description*

requirement". MPEP 2173.05(i) Clarification is respectfully requested. Appropriate correction is required by applicant.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 28 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Independent claim 28 recite "unassisted by voice extensions and enhancement to said HTML", the term *voice extensions render the claim indefinite*. For the purpose of examination, the claim language will be interpreted as best understood by examiner. Appropriate corrections are required by applicant.

Claim Rejections – 35 U.S.C. 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that
8. are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

9. Claims 28-30 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krane et al. US Pat. No. (5,799,063) in view of Uppaluru et al., US Pat. No. (6,400,806) as discussed in the previous office action. Further:

As per claims 28 and 33, Krane teaches a method of operating an interactive user operated Internet voice portal 7 having established multiple predetermined vertical domains of interest (i.e., talk web menu and book-marks describing a collection of web sites; See Col. 5, lines 39- 65); the domains having attributes within (i.e., the actual collection of web sites associated with each domain); responsive to a user placing a telephone call to the voice portal, identifying the user (See for example Col. 3, lines 42-57) and obtaining user selection of a vertical domain of interest (Col. 5, line 39); performing funneling operations (See for example Col. 3, lines 42-57, and Col. 6, lines 40-44) by applying speech recognition to user chosen attribute values (i.e., the selected web site of interest) where recognized answers are limited to contents of a vocabulary set (inherent with speech recognition); the user repeatedly choosing an attribute until a bottom level attribute is chosen (i.e., the desired web site is found; Col. 6, lines 40-44); conducting an internet search for prescribed types of information (i.e., search for a desired item in a store catalogue as is well known in Internet surfing; Col. 6, lines 40-44); audibly providing resultant information via the telephone call.

Krane lacks the specific teaching of building a vocabulary set containing top-level attribute values appropriate to the selected vertical domain of interest; repeatedly building an updated vocabulary set appropriate to the latest chosen attribute value.

Uppaluru teaches building vocabulary sets appropriate to a selected domain (See for example Col. 13, lines 24-30) and repeatedly updating the vocabulary set appropriate for a chosen attribute or service (See for example Col. 13, lines 9-23).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Krane to include the specific teaching of building a vocabulary set containing top-level attribute values appropriate to the selected vertical domain of interest, and repeatedly building an updated vocabulary set appropriate to the latest chosen attribute value, in view of Uppaluru, in order to provide words in the speech recognition system that are "specifically tailored to the words more commonly associated with the corresponding service" (See Uppaluru, Col. 13, lines 24-26).

In addition, Krane et al., fail to disclose, conducting an Internet search of HTML non-voice sources (i.e. text) unassisted by voice extensions and enhancements to said HTML and audibly providing resultant information to the user via the telephone call (i.e. voice or speech) and applying one or more text patterns to a web page to identify said information and extract it; applying a plurality of rules to said information to construct grammatical sentences from said information.

However, Uppaluru teaches conducting an Internet search of HTML non-voice sources (i.e. text) unassisted by voice extensions and enhancements to said HTML and audibly providing resultant information to the user via the telephone call (i.e. voice or speech), see (at least col.7 lines 10-65 col.8 lines 21-35 , col.12 lines 3-5) and applying one or more text patterns to a web page to identify said information and extract it; applying a plurality of rules to said information to construct grammatical sentences from

said information (see col.12 3-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Uppaluru into the disclosure of Krane in order to provide the user with the flexibility of searching the Internet and viewing the information via any conventional web page format for example HTML and in order to provide universal access to voice and speech files in order to allow widespread use of such files for performing speaker dependent speech recognition, (see col.2 lines 21-25).

Re claim 29: Krane anticipates the limitation of the funneling being performed if the voice portal has not previously stored any attribute value preferences of the user for a selected vertical domain of interest (i.e., the funneling occurs in Krane whether or not there are bookmarks stored on the system). The funneling operation is additionally performed if the voice portal has previously stored any attribute value preferences of the user for a selected vertical domain of interest, but the user has opted to override the stored attribute value preference (i.e., the funneling occurs in Krane if there are stored bookmarks, but the user chooses to choose another/different attribute in from the Talk Web menu).

Re claim 30: Regarding the limitation of the funneling operation being only performed if the voice portal has not previously stored any attribute value preferences of the user for the selected vertical domain of interest: it would have been obvious to one of ordinary skill in the art to modify Krane to include this limitation, in order to be able to find desired sites when the "Talk Web Menu" contains no listing of sites.

As per claims 34-35, the limitations of claims 34-35 are similar to the limitations of claims 29-30, therefore they are rejected based on the same rationale.

Further regarding claim 30, specifically the limitation of: "the operations further comprise, if the voice portal has previously stored any attribute value preferences of the user for the selected vertical domain of interest, instead of the funneling operation, performing an operation of conducting an Internet search for prescribed types of information pertaining to the stored attribute value preferences", the limitation is anticipated by Krane in that the bookmarks provide the attribute value preferences and the site associated with a selected bookmark anticipates the limitation of conducting an Internet search (i.e., the retrieving of the site) for information (i.e., the information on the site) pertaining to the stored attribute value preference (i.e., the selected bookmark).

Response to Arguments

10. Applicant's arguments have been fully considered but they are not persuasive. In particular it appears that the applicant is arguing that, A) Uppaluru does not teach "unassisted by voice extensions and enhancements to said HTML"; B) Uppaluru does not expressly teach "applying one or more text patterns to a web page to identify said information and extract it"; C) It appears that the applicant is arguing that Uppaluru does not teach an searching an HTML web page format, but rather teaches searching a HVML (Hyper Voice Mark-up Language) page; D) applicant traverses the 112 1st rejection in the previous action.

In response to A) examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Uppaluru teaches

presenting information to a user using a text to speech via an HTML internet web page browser, which is not assisted by voice extensions or enhancements (see at least col. 12 lines 3-5, col. 7 lines 4—46, col. 24 lines 15-25). Therefore Krane in view of Uppaluru still meets the scope of the limitation as currently claimed.

n response to B) examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Uppaluru teaches the extraction of data from an e-mail using text to speech via an HTML web page browser (see at least col. 12 lines 3-5), the use of text to speech to extract information parses the text and presents the information in this case an e-mail to a user via text to speech i.e. applying one or more patterns to a web page to identify and extract information. Therefore Krane in view of Uppaluru still meets the scope of the limitation as currently claimed.

In response to C) examiner respectfully disagrees. Applicant is reminded that claims must be given their broadest reasonable interpretation. Uppaluru teaches voice web pages which consist of HTML pages that have been extended with HVML for easy and effective navigation and access of voice information via a voice activated device such as a telephone; voice web page retain all the properties and behavior of conventional HTML pages such as HTML markup tags etc,. Uppaluru also states that **“An HVML web page (voice web page 103) is first and foremost an HTML page” (see col. 7 lines 45-46), also see col.24 lines 15-25** . In addition Uppaluru also states “Once located, a web page 103 can be created, edited and played using existing web publication tools, it can be stored on any conventional web server anywhere on the

internet, it can be accessed by any conventional web page web browser and presented on a computer monitor", see col. 8 lines 2-6. Therefore Krane in view of Uppaluru still meets the scope of limitation as currently claimed.

In response to D), the examiner respectfully disagrees. In the remarks on page 12, applicant directs the Office to page 27, line 24 to page 28 line 1 claiming to have support for "unassisted by voice extensions and enhancements to said HTML", after reviewing the pages of 27-28, the examiner still maintains his position in the prior action specifically that applicant's specification fails to provide support for this limitation. Furthermore, this appears to be a negative limitation used to overcome the prior art. Regarding negative limitations, MPEP states that: *"Any negative limitation or exclusionary proviso must have basis in the original disclosure. If alternative elements are positively recited in the specification, they may be explicitly excluded in the claims. ... **The mere absence of a positive recitation is not basis for an exclusion.** Any claim containing a negative limitation, which does not have basis in the original disclosure, should be rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement".* MPEP 2173.05(i) Clarification is respectfully requested. Appropriate correction is required by applicant.

Regarding the 112 1st rejection to claim 33, applicant's remarks are persuasive, as a result the rejection is withdrawn with regard to claim 33.

Contact Information

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSSA A. SHAAWAT whose telephone number is (571)272-2945. The examiner can normally be reached on Mon-Fri (8am-5:30pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Florian Zeender can be reached on 571-272-6790. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mussa A Shaawat/
Examiner, Art Unit 3627
November 24, 2008

/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627